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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

GEERTSON SEED FARMS INC., <u>et al.</u>	)	Case No. C-06-1075 (CRB) (EDL)
Plaintiffs,	)	
vs.	)	<b>AMENDED JUDGMENT</b>
MIKE JOHANNNS, <u>et al.</u> ,	)	
Defendants,	)	

On May 3, 2007, this Court issued its Judgment. Thereafter, the Court granted defendants’ Rule 59 Motion to Alter or Amend 3 May 2007 Judgment. Order Re: Motion to Amend Judgment (filed 26 June 2007)(“Rule 59 Order”). Pursuant to the Rule 59 Order,

the Court's Judgment is hereby amended, as follows.

### **I. Storing Roundup Ready Alfalfa in Clearly-Labeled Containers**

In Section III of the Judgment, the Court required APHIS to impose certain handling, identification, and containment standards for Roundup Ready Alfalfa ("RRA") in an administrative order.

These standards shall not be applied to RRA hay, unless that hay leaves its farm of origin. Where RRA hay leaves its farm of origin, it need not be containerized but instead shall be clearly labeled.

### **II. Cleaning Procedures**

In Section II, Subsection A of the Judgment, the Court required APHIS to issue an administrative order enabling it to both impose and individually approve certain cleaning procedures "prior to implementation."

In lieu of this requirement that APHIS approve individual cleaning procedures before implementation, APHIS shall publish and distribute a best practices guide for the cleaning of equipment used to produce RRA hay and seed. This guide shall be available on the APHIS website by July 13, 2007, and APHIS shall also begin distributing it by mail at that time to RRA hay and seed producers.

### **III. Deadline for Providing RRA Field Information to the Government**

The Judgment also required Monsanto and Forage Genetics to provide APHIS with the RRA field location information described therein. On or before August 27, 2007, Monsanto and Forage Genetics shall file a status report describing their progress in supplying the remaining RRA hay crop location information (1) specific to the 17 Western states and (2) specific to the eastern United States.

### **IV. Public Disclosure of the Location of RRA**

In its Judgment, the Court required APHIS to disclose RRA location information on its website "as soon as practicable." Pursuant to the Court's Rule 59 Order, APHIS will disclose the RRA locations to farmers only, under a three-part disclosure mechanism.

1 First, within one week after entry of this Court's Amended Judgment, APHIS shall  
2 disclose to farmers the counties in the 17 Western states in which RRA seed or hay fields are  
3 located. This disclosure shall be on the website of APHIS' Biotechnology Regulatory  
4 Service (APHIS/BRS) homepage. It shall be accessed by a link at this website's bottom right  
5 side that reads "I want to learn about the status of Roundup Ready alfalfa." Further, on the  
6 same website, and within 30 days of the status report filed by Monsanto and Forage Genetics,  
7 described above, APHIS shall publish a time line for the expected disclosure of RRA location  
8 information for the remaining Eastern states.

9 Second, within two weeks after entry of the Court's Amended Judgment, APHIS shall  
10 specify both on this website and in a the Federal Register a toll-free number that farmers in  
11 or adjacent to those identified counties may use to request the distances from the nearest  
12 RRA fields to their crops. Upon calling this number, a farmer shall certify to APHIS that the  
13 caller is a farmer that either grows alfalfa now or intends to grow alfalfa at an existing  
14 location in or adjacent to a county identified on the APHIS website.

15 Third, APHIS will respond as quickly as practicable to requests from farmers through  
16 the toll free number, either immediately or by the next working day whenever feasible, and  
17 will use its best efforts when questions arise regarding imprecise data or under other  
18 unanticipated circumstances to respond within three working days. In responding to a request  
19 by a farmer hereunder, APHIS will provide the requesting farmer with the distances, within  
20 the county or adjacent county identified, from the nearest RRA fields to the requestor's crop  
21 location(s). APHIS shall provide such distances for five such RRA fields if five or more of  
22 such fields exist in the relevant county or adjacent county.

#### 23 **V. APHIS Administrative Order**

24 APHIS shall implement the Court's Judgment, as amended, by issuing an  
25 administrative order on or before July 13, 2007. It shall be posted on the APHIS website.  
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28

Signed: July 23, 2007

CHARLES R. BREYER  
U.S. District Judge

